

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

IN RE:	)	CASE NO.: 16-04078-JW
	)	CHAPTER 13
JOYCE CAMPBELL WHITE	)	
<i>FKA</i> JOYCE CAMPBELL WALKER-WHITE,	)	NOTICE OF MOTION FOR RELIEF FROM THE
<i>FKA</i> JOYCE CAMPBELL WALKER,	)	AUTOMATIC STAY 11 U.S.C. § 362(D)
<i>FKA</i> JOYCE CAMPBELL,	)	
<i>FKA</i> JOYCE C. WHITE,	)	
	)	
DEBTOR	)	

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TO: DEBTOR, DEBTOR'S ATTORNEY, TRUSTEE, AND THOSE NAMED IN THE  
ATTACHED MOTION

**PLEASE TAKE NOTICE THAT A HEARING** will be held on the attached Motion on:

**Date: September 6, 2018**  
**Time: 9:30 AM**  
**Place: 145 King Street, Room 225**  
**Charleston, SC 29401**

Within fourteen (14) days after service of the attached Motion, and the Notice of Motion, accompanied by the Movant's Certification of Facts, and a blank Certification of Facts form, any party objecting to the relief sought shall:

- (1) File with the Clerk of this Court a written objection to the 11 U.S.C. § 362 Motion;
- (2) File with the Clerk of this Court a Certification of Facts; and
- (3) Serve on the Movant items 1 & 2 above at the address shown below;
- (4) File a Certificate of such Service with the Clerk of this Court.

Should you fail to comply with this procedure you may be denied the opportunity to appear and be heard on this proceeding before the Court.

DATE OF ISSUANCE: August 13, 2018  
MOVANT: NYMT Loan Trust 2014-RP1  
ATTORNEY: Elizabeth R. Polk (7124)

ATTORNEY'S ADDRESS: Stern & Eisenberg Southern, PC  
1709 Devonshire Drive  
Columbia, SC 29204  
Phone: (803) 462-5006  
Fax: (803) 929-0830  
Attorney for Movant

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IN RE: ) CASE NO.: 16-04078-JW  
) CHAPTER 13  
JOYCE CAMPBELL WHITE )  
FKA JOYCE CAMPBELL WALKER-WHITE, )  
FKA JOYCE CAMPBELL WALKER, ) MOTION FOR RELIEF FROM THE AUTOMATIC  
FKA JOYCE CAMPBELL, ) STAY 11 U.S.C. § 362(D)  
FKA JOYCE C. WHITE, )  
)  
DEBTOR )

TO: DEBTOR, DEBTOR'S ATTORNEY, TRUSTEE AND THOSE NAMED IN THE  
MOTION

YOU WILL PLEASE TAKE NOTICE that the undersigned will appear before the Court fourteen (14) days after service of this notice upon you, or as soon thereafter as this matter may be heard, requesting that this Court lift the stay **pursuant to 11 U.S.C. 362(d)(1)** as to NYMT Loan Trust 2014-RP1 (hereafter "Movant") for the following reasons:

1. The above-referenced Debtor filed a petition for relief under Chapter 13 of the U.S. Bankruptcy Code on 08/11/2016.
2. James M. Wyman is the Trustee of the Debtor's Estate and may claim an interest in the property, which is the subject of this action.
3. Movant is the holder of a secured claim against the Debtor evidenced by a Mortgage, copy of which is attached hereto. The property covered by the Mortgage consists of Real Property and is more fully described in the Mortgage.
4. The Debtor has failed to make payments and is now past due for the 10/01/2017-08/01/2018 payment(s) in the amount of \$793.38. The total payment amount now past due is \$8,173.86 accounting for Post-Petition Suspense funds in amount of \$553.32. Also due is \$181.00 filing fee in the Bankruptcy Court and \$850.00 attorney's fees for this action, making a total due of **\$9,204.86**. An additional payment will be due on 09/01/2018. Movant, therefore, has not been provided adequate protection for its interest in the property and is suffering irreparable harm and injury.
5. The Debtor **does** have equity in the Property.

6. Movant is informed and believes that the Debtor has not handled this obligation in good faith and that this Court should issue its Order lifting the stay as to the security of 1463 Orangeburg Road, Summerville, SC 29483, so that appropriate procedures may begin to protect the interest of 1463 Orangeburg Road, Summerville, SC 29483.
7. The Movant agrees to waive any claim that may arise under 11 U.S.C. §503(b) and §507(b) as a result of this Order. The Movant further agrees that any funds realized from the liquidation of its collateral/foreclosure sale, in excess of all liens, costs and expenses, shall be paid to the Trustee.
8. Relief from the stay for all purposes allowed by the Note, Mortgage, and applicable law, including, but not limited to, allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property. In addition to foreclosure, relief from stay permits activity necessary to obtain possession of said collateral. Therefore, Movant is permitted to engage in loss mitigation activity, including short payoff, short sale, and the obtaining of a deed in lieu of foreclosure, including authorization to negotiate inferior liens. Movant is further permitted to send information regarding these loss mitigation options directly to the Debtor.
9. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
10. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
11. That Movant be entitled to recover its reasonable fees and expenses incurred in connection with seeking the relief requested in this Motion.
12. Such other relief as the Court deems proper.

WHEREFORE, pursuant to 11 U.S.C. §362(d)(1) Movant hereby moves for an Order modifying the automatic stay to permit action in the State Court against the subject property.

STERN & EISENBERG SOUTHERN, P.C.

/s/ Elizabeth R. Polk  
Elizabeth R. Polk (7124)  
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Attorney for Movant

Dated: August 17, 2018